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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/778,569 | 02/07/2001 | Thomas O'Neill | 0007056-0163/P5640/RSH | 4214 |

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MARTINE & PENILLA, LLP
710 LAKEWAY DRIVE
SUITE 170
SUNNYVALE, CA 94085

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT PAPER NUMBER

2613

DATE MAILED: 06/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/778,569

Applicant(s)

O'NEILL, THOMAS

Examiner

Andy S. Rao

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 19-41

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

ANDY RAO
PRIMARY EXAMINERAndy S. Rao
Primary Examiner
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Continuation of 5. does NOT place the application in condition for allowance because: see the attachment entitled "Response to Request — — —
for Reconsideration".

Response to Request for Reconsideration

1. Applicant's arguments filed with respect to claims 19-41 as filed in Paper 11 on 5/21/04 have been fully considered but they are not persuasive.
2. Claims 19-33 remain rejected under 35 U.S.C. 102(b) as being anticipated by Iizuka (US Patent: 5,508,743), as was set forth the Final Office Action of Paper 10 on 3/17/04.
3. Claims 34-41 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka (US Patent 5,508,743) in view of Krishnamurthy et al., (hereinafter referred to as "Krishnamurthy"), as was set forth in the Final Office Action of Paper 10 on 3/17/04.
4. The Applicant presents two arguments contending the Examiner's rejection of claims 19-33 under 35 U.S.C. 102(b) as being anticipated by Iizuka (US Patent: 5,508,743), and of claims 34-41 under 35 U.S.C. 103(a) as being unpatentable over Iizuka (US Patent 5,508,743) in view of Krishnamurthy et al., (hereinafter referred to as "Krishnamurthy"), as was set forth in the Final Office Action of Paper 10 on 3/17/04. However, the after a careful consideration the arguments presented and further scrutiny of the Iizuka reference, the Examiner must respectfully disagree for the reasons that follow.

After summarizing the instant invention as in the claims (Paper 11: page 2, lines 1-10), the Applicant argues that Iizuka fails to read on the "encoding all except of the first region of the plurality of regions into encoded regions using interframe compression..." because it discloses overlapping refresh areas varying periodically (Paper 11: page 2, lines 11-27; page 3, lines 1-16). The Examiner respectfully disagrees. It is noted that since refreshing occurs at differing periods in the areas, the when areas one area is completely refreshed while another is still be refreshed that area would be interframe compressed due the "agreement disagreement switchover

signals" which allow for both interframe/intraframe compression as in the manner of the claims (Iizuka: column 6, lines 30-45). Accordingly, the two period refreshing areas occur in conjunction with an interframe compression, and thus read on the claims.

Regarding the remarks concerning the Krishnamurthy reference (Paper 11: page 3, lines 17-27; page 4, lines 1-3), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is noted that the feature is met with the secondary reference's combination with the primary Iizuka reference.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER



asr
June 14, 2004